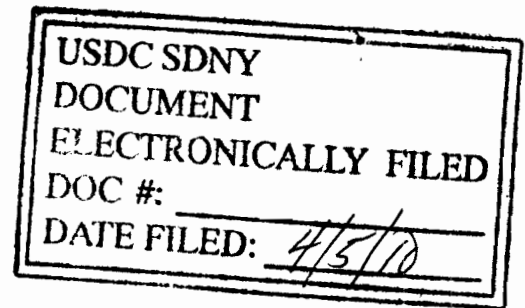


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK



----- x  
In Re: Methyl Tertiary Butyl Ether ("MTBE")  
Products Liability Litigation

Master File No. 1:00-1898  
MDL 1358 (SAS)  
M21-88

----- x  
**This document relates to the following case:**

ECF Case

*City of New York, et al. v. Amerada Hess Corp., et al.*  
Case No. 04 Civ. 3417

----- x  
**[PROPOSED] ORDER GRANTING JOINT MOTION  
FOR ENTRY OF JUDGMENT PURSUANT TO FED. R. CIV. P. RULE 54(b)**

WHEREAS, plaintiffs the City of New York, the New York City Water Board and the New York City Municipal Water Finance Authority (collectively, the "City") and Defendants ExxonMobil Corporation, ExxonMobil Oil Corporation and Mobil Corporation (collectively, the "ExxonMobil Defendants" and, together with the City, the "Parties") filed a joint motion on March 22, 2010 seeking entry of judgment pursuant to Rule 54(b) of the Federal Rules of Civil Procedure on claims that were tried to verdict on October 19, 2009.

WHEREAS, the City and ExxonMobil agree that judgment pursuant to Rule 54(b) should be entered as to those claims.

WHEREAS, the remaining claims have either been (1) dismissed without prejudice, subject to the City's agreement to give up its right to re-file if, on appeal, the City's state law claims are held preempted, or any other such holding is entered that would effectively bar the City's ability to assert its state law claims; or (2) stayed.

WHEREAS, the dismissed and stayed claims are separate from those that were tried to verdict on October 19, 2009, because the facts on which they are based are different and the stayed claim raises different questions of law.

WHEREAS, the claims tried to verdict on October 19, 2009 have been finally decided, leaving nothing for this Court to do but execute the judgment.

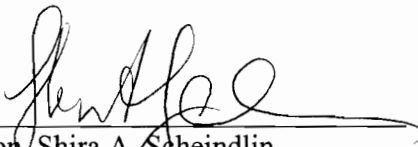
WHEREAS, there is no just reason for delay in entering judgment because all other claims at issue have been dismissed or stayed.

IT IS HEREBY ORDERED that the Parties' Joint Motion for Entry of Judgment Pursuant to Fed. R. Civ. P. Rule 54(b) is GRANTED.

IT IS SO ORDERED.

Dated: \_\_\_\_\_

April 5, 2010

  
Hon. Shira A. Scheindlin  
United States District Court